

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:06CR9 CDP
	)	
ANTHONY L. HENDERSON,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on defendant Anthony L. Henderson's motion to suppress evidence and statements.

Pursuant to 28 U.S.C. § 636(b), the motion was referred to United States Magistrate Judge Mary Ann L. Medler. Judge Medler held an evidentiary hearing and then filed her Report and Recommendation. She recommended that the motions be denied. Defendant filed timely objections, and I requested the government to respond to the objections. Having now considered the objections and response, and conducted a de novo review of the record, including listening to the recording of the hearing before Judge Medler, I will adopt her recommendation and deny the motions.


Defendant challenges Judge Medler's conclusion that he lacked standing to challenge the search of the car. The evidence presented before Judge Medler was hearsay, which is acceptable at a suppression hearing. There was no evidence that defendant had any ownership interest in the car. To the contrary, the government's evidence showed that the defendant himself told the police officer that the car belonged to April Stewart, that Stewart confirmed that she owned the vehicle, and that she consented to the search of the car. This evidence supports the warrantless search of the car, and the issue of defendant's standing or lack thereof makes no difference in this circumstance. Even if he had standing, I would deny the motion to suppress. Additionally, the police had probable cause to arrest the defendant, he was advised of his rights, and there is no basis to suppress his statements.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#24] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to suppress evidence and statements [#19] is denied.

**IT IS FURTHER ORDERED** that this case is set for jury trial on the two  
week docket beginning **July 24, 2006 at 9:00 a.m.**

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of June, 2006.